

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

ANDRE PACHECO,

Plaintiff,

v.

9:09-cv-614

BRIAN FISCHER, ET AL.,

Defendants.

APPEARANCES:

OF COUNSEL:

Andre Pacheco

03-A-4973

Mid-Orange Correctional Facility

900 Kings Highway

Warwick, NY 10990

Plaintiff, *pro se*

HON. ANDREW M. CUOMO

Attorney General of the State of New York

The Capitol

Albany, NY 12224

Attorney for Defendants

Dean J. Higgins, Esq.

Assistant Attorney General

NORMAN A. MORDUE, CHIEF U. S. DISTRICT JUDGE

ORDER

The above matter comes to me following a Report-Recommendation by Magistrate Judge Andrew T. Baxter, duly filed on the 19th day of January, 2011. Following fourteen (14) days from the service thereof, the Clerk has sent me the file, including any and all objections filed by the parties herein.

After careful review of all of the papers herein, including the Magistrate Judge's Report-

Recommendation, and no objections¹ submitted thereto, it is

ORDERED that:

1. The Report-Recommendation is hereby adopted in its entirety.
2. The defendant Fischer's motion for summary judgment (Dkt. No. 47) is granted and the complaint is dismissed as to defendant Fischer only. The Clerk shall enter judgment accordingly.
3. The Clerk of the Court shall serve a copy of this Order upon all parties and the Magistrate Judge assigned to this case.

IT IS SO ORDERED.

Dated: March 3, 2011
Syracuse, New York


Norman A. Mordue
Chief United States District Court Judge

¹On January 30, 2011, plaintiff forwarded a letter to Magistrate Judge Baxter asking the Court to, "remove Commissioner Fischer off the lawsuit of the civil rights complaint again [sic] him . . .". (Dkt. No. 59).